



PATENT APPLICATION
Docket No. 15436.436.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
Ralph H. Johnson)
Serial No.: 10/026,019) Art Unit
Filed: December 20, 2001) 2828
For: VERTICAL CAVITY SURFACE EMITTING)
LASER INCLUDING INDIUM ANTIMONY)
AND NITROGEN IN THE ACTIVE REGION)
Confirmation No.: 6105)
Customer No.: 022913)
Examiner: Than M. Nguyen)

PRELIMINARY AMENDMENT AND RESPONSE

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit this Preliminary Amendment and Response in response to the Examiner's Final Office Action mailed February 17, 2004. Enclosed herewith in support of the Amendment is a Terminal Disclaimer in response to the Examiner's non-statutory double patenting rejection. Reconsideration is respectfully requested in view of the following amendments and remarks.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.